

# EXHIBIT 1 – COMPLAINT

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TIMOTHY W. FITZGERALD  
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SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

COLIN SCHWARTZMANN,

Plaintiff,

vs.

SAVVAS LEARNING COMPANY, LLC,

Defendant.

No. 22200228-32

COMPLAINT FOR EMPLOYMENT  
DISCRIMINATION

COMES NOW the Plaintiff, COLIN SCHWARTZMANN, by and through his attorney Stephen Bergman of Cooney Law Offices, P.S., and for causes of action against Defendant, alleges as follows:

1. Plaintiff at all times material hereto was a resident of Spokane County, Washington.

2. Defendant, SAVVAS LEARNING COMPANY, LLC (hereinafter "Savvas") was at all times material hereto a Delaware corporation licensed to do business in the State of Washington, and at all times material hereto was doing business in Spokane County, Washington.

3. At all times material hereto, Plaintiff was employed with Defendant Corporation.

COMPLAINT FOR EMPLOYMENT DISCRIMINATION- I

1           4.     Venue of this action is proper in Spokane County, Washington as the place  
2 where all acts referred to herein occurred.

3                           **I.     FACTUAL ALLEGATIONS**

4           5.     Mr. Schwartzmann was hired by Savvas as a Field-Remote K-12 Curriculum  
5 Specialist in Sales and Services for Math and Science. He was one of the few certified K-12  
6 specialists at Savvas. His responsibilities included delivering sales presentations and  
7 representing Savvas at conferences to drive sales of Savvas products.

8           6.     Mr. Schwartzmann's immediate supervisor was Christy Grossnickle. Heidi  
9 Bruhn and Adrea Perlick also held supervisory roles above Plaintiff.

10           7.     Prior to August 2019, Mr. Schwartzmann disclosed that he was struggling with  
11 his assigned schedule on multiple occasions during check-in calls with his manager. His  
12 assigned schedule sometimes attained an unmanageable 80 hours per week. He disclosed that  
13 he was suffering from extreme anxiety from this schedule on various occasions as his  
14 condition worsened. His manager responded that it was just "the nature of the business."

15           8.     On August 16, 2019, Mr. Schwartzmann sought treatment for anxiety from his  
16 primary care physician, Donald F. Condon, MD. Dr. Condon evaluated the increasingly  
17 severe anxiety Mr. Schwartzmann was suffering from and wrote a note determining that he  
18 should be limited to a 40-hour work week. Dr. Condon also determined that Mr.  
19 Schwartzmann's travel should not exceed four days per week. Mr. Schwartzmann submitted  
20 this medical note to Human Resources as soon as he received it.

21           9.     After submitting the note detailing Dr. Condon's recommendations to Human  
22 Resources, Mr. Schwartzmann began to suffer from disparate treatment during his regular  
23 check-in calls with his manager. She stated on multiple occasions that Mr. Schwartzmann  
24

1 needed to seek alternate employment because his job required "more than 40 hours per week"  
2 and "extensive travel."

3 10. In April 2020, Mr. Schwartzmann and other employees of Savvas were  
4 furloughed until July 15, 2020, due to the pandemic. Other employees resumed work on the  
5 anticipated start date, July 15, 2020. However, Mr. Schwartzmann, an employee requiring a  
6 medical accommodation for his disability, was informed that his furlough had been extended  
7 to December 31, 2020.  
8

9 11. On October 6, 2020, Defendant notified Mr. Schwartzmann that his position  
10 had been "eliminated" and that the company was moving in a "different direction",  
11 specifically stating it was not due to performance. Mr. Schwartzmann's official last day of  
12 employment was October 16, 2020.  
13

14 12. On October 17, 2020, Savvas published an advertisement on the company  
15 website for Mr. Schwartzmann's position that he was told had just been "eliminated."  
16

## 17 II. FIRST CLAIM – DISABILITY DISCRIMINATION

18 13. The allegations of paragraph 1 through 13 are hereby incorporated by reference  
19 as if fully set forth.

20 14. Defendant discriminated against Plaintiff when he was terminated from  
21 employment based on his disability and perceived disability in violation of the Washington  
22 Law Against Discrimination, RCW 49.60 et. Seq.

23 15. As a direct and proximate result of Defendant's discriminatory practices,  
24 Plaintiff has sustained economic damages consisting of past and future wage loss, loss of  
25 benefits; as well as noneconomic loss including mental anguish, emotional distress, and  
26 physical distress, all in an amount to be proved at trial.  
27

28 COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 3

1 16. Pursuant to RCW 49.60.030, Plaintiff is entitled to his attorney fees and costs  
2 as a result of Defendant's discriminatory employment practices.

3 **IV. SECOND CLAIM – WRONGFUL TERMINATION IN VIOLATION OF**  
4 **PUBLIC POLICY**  
5

6 17. The allegations of paragraph 1 through 17 are hereby incorporated by reference  
7 as if fully set forth.

8 18. Defendant terminated Plaintiff because of his disability contrary to the  
9 Washington State common law claim of wrongful discharge in violation of public policy.

10 19. Defendant terminated Plaintiff in retaliation for seeking an accommodation for  
11 disability contrary to the Washington State common law claim of wrongful discharge in  
12 violation of public policy.

13 20. As a direct and proximate result of Defendant's discriminatory practices,  
14 Plaintiff has sustained economic damages consisting of past and future wage loss, and loss of  
15 benefits; as well as noneconomic loss including mental anguish, emotional distress, and  
16 physical distress, all in an amount to be proved at trial.

17 21. Pursuant to 49.48.030, Plaintiff is entitled to attorney's fees where lost wages  
18 or future lost wages are recovered. *See Gagliardi v. Denny's Restaurants, Inc.*, 117 Wn.2d  
19 426, 451, 815 P.2d 1362 (1991).  
20

21 **V. THIRD CLAIM – RETALIATION**  
22

23 22. The allegations of paragraph 1 through 22 are hereby incorporated by reference  
24 as if fully set forth.

25 23. Defendant retaliated against Plaintiff because of his disclosure of a disability  
26 and his request for a reasonable accommodation in violation of RCW 49.60.  
27

28 COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 4

1           24. As a direct and proximate result of Defendant's discriminatory practices,  
2 Plaintiff has sustained economic damages consisting of past and future wage loss, and loss of  
3 benefits; as well as noneconomic loss including mental anguish, emotional distress, and  
4 physical distress, all in an amount to be proven at trial.

5           25. Pursuant to RCW 49.60.030, Plaintiff is entitled to his attorney's fees and costs  
6 as a result of Defendant's discriminatory employment practices.

7  
8                           **VI. FOURTH CLAIM – TAX CONSEQUENCES**

9           26. The allegations of paragraph 1 through 26 are hereby incorporated by reference  
10 as if fully set forth.

11           27. Plaintiff will suffer adverse tax consequences as a result of any damages  
12 received herein and requests an additional award by the court for any adverse tax  
13 consequences.  
14

15                           **VII. PRAYER FOR RELIEF**

16           28. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment  
17 against Defendant as follows:

18           29. Damages for economic loss both past and future because of Defendant's  
19 conduct in an amount to be proved at the time of trial.

20           30. Damages for noneconomic loss including mental anguish, emotional and  
21 physical distress in an amount to be proved at the time of trial.

22           31. Damages for adverse tax consequences because of Defendant's conduct in an  
23 amount to be proved at the time of trial.


24           32. Prejudgment interest on all liquidated sums.  
25  
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1 33. Plaintiff's taxable costs incurred herein together with reasonable attorney's fees  
2 pursuant to RCW 49.60.030, RCW 49.48.030, and common law, equity, or statute; and

3 34. Such other and further relief as the court deems equitable and proper.

4 Dated this 12<sup>th</sup> day of January, 2022.

5  
6 COONEY LAW OFFICES, P.S.

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9 STEPHEN M. BERGMAN, #44816  
10 Attorney for Plaintiff  
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1 STATE OF WASHINGTON )

2 ) ss.

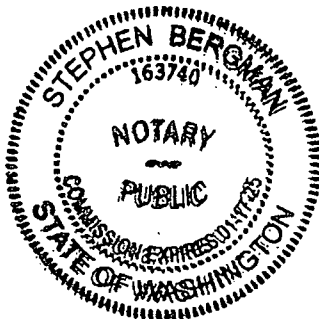
3 County of Spokane )

4 Colin Schwartzmann, being first duly sworn on oath, states:

5 I am the plaintiff above-named. I have read the foregoing Complaint for Employment  
6 Discrimination, know the contents thereof and believe the same to be true to the best of my  
7 knowledge, information, and belief.

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10   
COLIN SCHWARTZMANN

11 Subscribed and sworn to before me this 18 day of January, 2022.



28  
NOTARY PUBLIC in and for the State of  
Washington, residing at Spokane. My  
commission expires: 11/7/25

COMPLAINT FOR EMPLOYMENT DISCRIMINATION- 7